

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

HEUBEL MATERIAL HANDLING, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 4:10-CV-00102-DGK
)	
UNIVERSAL UNDERWRITERS)	
INSURANCE COMPANY,)	
)	
Defendant/Third-Party Plaintiff,)	
)	
v.)	
)	
THE RAYMOND CORPORATION, and)	
LIBERTY MUTUAL INSURANCE CO.)	
)	
Third-Party Defendants,)	
)	
v.)	
)	
IF P&C INSURANCE HOLDING LTD, and)	
IF P&C INSURANCE HOLDING AB)	
)	
Cross Defendant/)	
Fourth-Party Defendants.)	

ORDER GRANTING MOTION TO DISMISS WITHOUT PREJUDICE

This lawsuit is a declaratory judgment action concerning which entity is responsible for providing insurance coverage for a lawsuit pending in the District of Kansas, *Harris v. Heubel Material Handling, Inc.*, No. 6:09-CV-1136-EFM. Now pending is Plaintiff Heubel Material Handling, Inc. (“Heubel”) and Third Party Defendant The Raymond Corporation’s (“Raymond”) Joint Motion to Dismiss IF P&C Insurance Holding AB and IF P&C Insurance Holding Ltd. Without Prejudice (doc. 248).

Heubel and Raymond report that since impleading Swiss insurance companies IF P&C Insurance Holding AB and IF P&C Insurance Holding Ltd. (“the IF entities”) and beginning the process of effecting international service of process through the Hague Convention, Heubel, Raymond, and the IF entities have negotiated a written agreement to dismiss the IF entities without prejudice. The agreement provides that in the event the Court decides that the Liberty Mutual policy at issue does not provide coverage to Heubel, then IF P&C Insurance Ltd. will provide coverage to Heubel for the *Harris* claim above \$2 million pursuant to the terms and conditions of its policy. The parties also note that prompt resolution of the coverage dispute will speed resolution of the *Harris* matter which has been pending in the District of Kansas for almost three years.

For good cause shown, the motion (doc. 248) is GRANTED. Defendants IF P&C Insurance Holding AB and IF P&C Insurance Holding Ltd. pending Motion to Dismiss for Lack of Personal Jurisdiction (doc. 246) is DENIED AS MOOT.

IT IS SO ORDERED.

DATE: March 21, 2012

/s/ Greg Kays
GREG KAYS, JUDGE
UNITED STATES DISTRICT COURT